



Waganakising Odawak

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LTBB LAND ACQUISITION DUE DILIGENCE POLICY

I. Purpose

The purpose of this Policy is to provide guidance with a specified structure that delineates the Legislative, its Land and Reservation Committee and the Executive Branch roles and responsibilities with the purchase of land parcels.

II. Parcel Discovery

When a parcel had been discovered or presented that is available for purchase or otherwise acquiring, the Legislative Branch is notified. The Land and Reservation Committee may determine based on the particular property, the extent of due diligence information that is needed before making a recommendation to Tribal Council. Upon receipt of the information by the Land and Reservation Committee, the Committee will then determine whether or not to pursue a parcel and make a recommendation to Tribal Council. All requested information will be sent to the Legislative Office and transmitted to the Committee for assessment.

III. Pre-offer

A. Tribal Council / Land and Reservation Committee Due Diligence.

1. Pursuant to this Policy, generally, all the steps of the On-Site, Review and Analysis will take place on all parcels prior to an offer being made on a land parcel. Under unique circumstances, Tribal Council or the Land and Reservation Committee may by affirmative motion temporarily suspend one or more of the On-Site, Review or Analysis that will be completed post-offer (see Section IV. Post Offer).

B. Staff On-Site, Reviews and Analysis

1. **Planning Department Site Review.** The Planning Department conducts a site review and analysis to determine if the parcel is suitable for the intended use as specified by Tribal Council. A report is prepared and submitted to the Land and Reservation Committee that will include the following:
 - a. The location's suitability for the intended use;
 - b. How the LTBB Zoning requirements impact the location; and
 - c. Any other recommendations from the Department.

2. **Natural Resources and Environmental Services Review.** An assessment is prepared by the Natural Resources Department and Environmental Services that specifies findings (an abridged Phase I Environmental) of features such as:
 - a. Wetlands;
 - b. Endangered Species;
 - c. Habitat; and
 - d. Aquifer
3. **Geographic Information Systems (GIS) Provisions.** The LTBB GIS will provide the following mapping of the parcel and the surrounding area:
 - a. Location of the parcel in relation to the exterior boundary of the LTBB Reservation;
 - b. Close up of the parcel;
 - c. Topography; and
 - d. Natural Features in conjunction with the Natural Resources Department.
4. **Tribal Historic Preservation Officer (THPO) Review.** Research and compile a land use history report to determine the presence or absence of historic properties, burial sites, sacred sites, traditional cultural properties, traditional knowledge, traditional ecological knowledge, and possible Native American Graves Protection and Repatriation Act impacts.
5. **Senior Financial Analyst Review.** A review will be conducted of records related to the parcel purchase by the Legislative Senior Financial Analyst and the LTBB Chief Financial Officer and submitted to the Land and Reservation Committee.

C. Land and Reservation Committee

1. Based on obtaining the LTBB Staff reviews, reports and analysis the Land & Reservation Committee makes a recommendation to Tribal Council as to whether an appraisal is warranted. Since appraisals are costly and can at times be time consuming, it may not be required for every potential acquisition offer. Factors to consider in deciding whether a potential purchase warrants an appraisal include how the listing price compares to the state equalized value (SEV), easily identifiable comparable sales, and how quickly parcels are selling on the current market.
2. Based on the intended use and whether the parcel includes an existing business or is any type of income property the Land and Reservation Committee may recommend a preliminary Market Study and financial review of records to be conducted before proceeding with an offer.

D. Land and Reservation Committee Recommendation to Tribal Council. Based on the findings listed in Section III(A-C) of this policy the Land and Reservation Committee submits a recommendation the Tribal Council the make an offer.

E. Tribal Council Decision. If Tribal Council decides to pursue the acquisition they will proceed with the following steps:

I. Executive Inclusion. Notify the Executive with the intended offer and parcel specifics.

II. Fund Availability. Determine whether the funds are available to complete the purchase which includes:

- a. Pre-closing inspections;
- b. The purchase price;
- c. Closing Fees; and
- d. Title Policy, Surveys and Recording Fees for Trust Acquisition with the Bureau of Indian Affairs.

III. Appropriation of Funds. Tribal Council will determine whether the funds are already appropriated to the Acquisition Fund. If there are not funds available, Tribal Council must appropriate the needed funds by a Tribal Resolution to take effect upon the Executive's signature or veto override.

IV. Post Offer: Acquisition Negotiation and Contingencies

1. **Offer/Purchase Negotiation.** The LTBB General Counsel will proceed with an offer to negotiate the price and report to Tribal Council through a Confidential Memo the progress of the purchase.

2. **Clear Title.** A clear title issued by a reputable title insurance company is obtained and General Counsel shall review the commitment to assure there are no easements or other restrictions that may impair the intended use. Any discrepancies are reported immediately to Tribal Council.

3. **Building Inspections.** When a structure(s) is present, a building inspection will be completed by an independent contractor and a building safety inspection will be conducted through the LTBB Safety Coordinator.

4. **Phase I Environmental Assessment.** A complete Phase I Environmental Assessment will be conducted by LTBB Environmental Services or an outside contractor. If the Phase I reveals potential environmental conditions requiring further study such as a chemical analysis of soil borings, then an outside firm may be hired for a Phase II Study.

5. **Boundary Survey.** When a survey by a licensed surveyor is not already recorded or provided by the Seller, a new boundary survey will be obtained by an outside firm.
6. **Funds Disbursement.** Enjinaaknegeng will ensure the Accounting Department is provided the appropriation Tribal Resolution and final signed purchase agreement to document any needed earnest money and final closing disbursements.
7. **Signatures.** The Tribal Treasurer, or general counsel on behalf of the Treasurer, may sign offers and acceptances within the authorized parameters.

V. Enjinaaknegeng Land Files

- A. **LTBB Land Files.** When new purchases have been finalized the closing documents and all reports, surveys, assessments, appraisals and inspections are to be sent to the Enjinaaknegeng Executive Assistant. A land file specific to the acquired parcel will be created and retained by Enjinaaknegeng permanently.
- B. **LTBB Land Holding Database.** Enjinaaknegeng maintains the LTBB Land Holding Database. When there is a new purchase the parcel is entered in the database. A new report shall be published.
- C. **Surveys.** All surveys are sent to both the Planning and GIS Departments when received by Enjinaaknegeng.
- D. **Warranty Deeds.** All copies of warranty deeds, once they have been placed in trust will be sent to GIS for mapping.